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EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,409

Applicant(s)

COHEN ET AL.

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). In this case, the term "industry-specific quality metrics" in claims 1-22, 24-26, "industry-specific segments" in claims 27-33, and "industry-specific statistic" in claim 34 render the claims indefinite because the specification does not clearly define the terms. The applicants allege that the terms are support on pages 10 through 18 of the specification, however a review show that the specification contains a narrative and broad description of the analyzing and presenting of profile data. The spec itself substantially contains indefinite language of "may be", "may", and "for example". The indefinite language of the spec fails to clearly define the terms "industry-specific quality metrics", "industry-specific segments", and "industry-specific statistic" now used in the claims.

Claim 34, line 9, the phrase “said windows” lacks clear antecedent basis as set forth in the last Office action.

Claim Rejections - 35 USC § 102

3. Claims 17-23, 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0110181 (Schuetze et al).

- As for claims 17, 23: Schuetze et al teach a computer implemented method and corresponding system for altering electronic media content, comprising the steps/means for:
analyzing entity profile data (0193, 0196, 0209);
producing industry-specific quality metric from the profile data (0118, 0130, 0201/Xerox industry); and
adjusting the electronic media presentation based upon the entity profile data and the industry-specific quality metric (0215-0216, 0223).
- As for claim 18: The electronic media is a web-site comprising web-pages (0214), and web-page links are adjusted to account for the entity profile data (0215-0216).
- As for claim 19: Web-page content is adjusted (0216, 0223).
- As for claim 20: The web-page content is adjusted based upon profile data for a particular web-site visitor (0214-0216, 0223).
- As for claim 21: The web-page links are adjusted throughout the web-site (0215).
- As for claim 22: The adjusting web-page links is performed for all web-site visitors subsequent to determining the web-site visitors' profiles (0214-0216).

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- As for claim 27: Schuetze et al teach a computer implemented method and corresponding system, comprising:
selecting a populations of entities (0131, 0156, 0192, 0195),
defining industry specific segments to which an individual entity may belong (0132, 0193, 0196, 0209/Xerox industry),
selecting a subset of industry specific segments (0136)
defining characteristic of a population of entities (0137, 0156, 0199),
comparing the subset of industry specific segments against the population of entities (0123, 0126, 0138, 0194),
determining important characteristics of the subset of industry specific segments based on the comparison (0200).
- As for claim 28: The comparison is based on the characteristics defining a population (0123, 0126, 0130, 0138, 0194).
- As for claim 29: The comparison is based on statistics generated to perform the comparison (0123, 0126, 0130, 0156, 0200).
- As for claim 30: The selecting a subset of segment comprises the steps of selecting a first subset of segments, selecting a second subset of segments, and comparing the first subset with the second subset (0123, 0147, 0199, 0200).
- As for claim 31: The defining group of segment (step b) comprises defining two segments, and the selecting a subset of segment (step c) comprising selecting a subset of two (0130 "Clustering").

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- As for claim 32: The important characteristics are selected based on those which are best or worst relative to the comparison population (0123, 0126).
- As for claim 33: The important characteristics are displayed in a visualizer (figures 23, 24).

4. Claims 26, 34-36, 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent Application Publication 2003/0030637 (Grinstein et al).

- As for claim 26: Grinstein et al teach a set of computer application interfaces in conjunction with an application program that presents entity profile data and “industry-specific quality” metric (i.e., quality metric for use with industrial data computation) of interest to a user, comprising:
 - a first interface 1708 that receives parameters for a set of entity data attributes (0231),
 - a second interface 1702, 1704, 1718 that receives an individual profile analysis type, and
 - a third interface 1706 that receives parameters for a first group of entity profile data and an individual profile analysis type and returns:
 - a second group of analyzed entity profile data 3804 which matches the individual profile analysis type and the first group of profile data attributes, and
 - a third group of analyzed entity profile data 3810 wherein said third group of analyzed entity profile data is industry-specific quality metrics based on the individual profile analysis type and the first group of profile data attributes (0016, 0216-0221, 225-232. See also descriptions of figs 17-33).

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- As for claim 34: Grinstein et al teach a graphical user interface to display entity profile data comprising:
 - one or more windows 1706 to present a graphical representation of the profile data,
 - one or more windows 1802, 2102, 3810 to present industry specific statistics generated from the profile data,
 - one or more windows to provide menu 1702, 1704, 1708, 1716 for adjusting the profile data and the industry specific statistic displayed, and
 - means for changing the profile data by altering the provided menus and selecting data presented in the windows (see description of figures 17-45).
- As for claim 35: Grinstein et al teaches a computer implemented method and corresponding system for comparing a population of entities, comprising:
 - a parameter selector module 1704, 1708 configured to allow a user to select parameters used in comparing a population of entities,
 - a profiler dashboard module 1702a, 1704b configured to receive data describing the population of entities from a computer in response to the parameters selected in the parameter selector module and configured to output customer profile data of the population of entities,
 - a segment visualizer module 1702b, 1704c-t configured to receive input from a user, the parameter selector module, and the profiler dashboard module and output profile data of the population of entities based on the inputs to the segment visualizer module, and

- a segment analyzer module 1704c-t, 1706 configured to allow a user to perform interactive graphical exploration of relationship across segments of the population.
- As for claim 36: the data describing the population of entities is stored in a database (0130, 0235).
 - As for claim 39: Grinstein et al teaches a computer implemented method and corresponding system for determining characteristics of a population, comprising:
 - a database 1702a configured to store data for a population of entities,
 - a calculation module 108, 1704b configured to retrieve the data for a population of entities and calculate statistics based on the retrieved data (0142);
 - a visualization module 1702b, 1706 configured to receive the statistics from the calculation module and display the statistics on the display,
 - wherein the statistic include at least two of lift, value ratio, revenue difference, support, impact, baseline value, and focal value of a focal segment (0130-0132, 0138, 0143, 0158-0172).
 - As for claims 40, 41: The system is configured to use the statistics to create clusters of entities from the population of entities (0130-0132, 0138, 0143, 0158-0172).

Claim Rejections - 35 USC § 103

5. Claims 1-16, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent Application Publication 2003/0110181 (Schuetze et al), in view of US Patent Application Publication 2003/0030637 (Grinstein et al).

- As for claim 1: Schuetze et al teach a computer implemented method and corresponding system for analyzing and presenting profile data, comprising the steps/means for collecting profile data (0192, 0195), analyzing the profile data (0193, 0196, 0209), producing industry-specific quality metric from the profile data (0118, 0130, 0201/Xerox industry) and visualizing the profile data (abstract, 0030, 0034, 0040-0042, 0084, 0194, 0216). Schuetze et al fail to clearly teach visualizing the industry-specific quality metric. However in the same field of data analysis and clustering, Grinstein et al teach the visualizing the industry-specific quality metric (Grinstein's 0132; figs. 3, 18). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Grinstein's teaching of visualizing the industry-specific quality metric to Schuetze et al. Motivation of the combining is for verifying the computation.
- As for claim 2: The profile data is obtained from a web site (0038).
- As for claims 3-6, 8: Schuetze fails to clearly teach that the profile data can be obtained from manufacturer system, processes system, clinical trial system, biomedical system. However, Grinstein discloses that profile data can be obtained from manufacturer system, processes system, clinical trial system, biomedical system (Grinstein's 0243, 0125, 0140). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Grinstein's teaching of obtaining profile data from manufacturer system, processes system, clinical trial system, biomedical system to Schuetze. Motivation of the combining is for the obvious advantage of system enhancement as clearly suggested by Grinstein.

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- As for claim 7: The profile data is obtained from information technology system (Schuetze's 0038).
- As for claim 9: The analyzing allows clustering entities according to the profile data into clusters of entities (Schuetze's 0123, 0124).
- As for claim 10: The clustering is performed with K-means (Schuetze's 0131).
- As for claim 11: The clusters are compared (0123-0127).
- As for claim 12: The comparison of clusters is conducted with user demographic data comprising at least customer purchases, customer viewing... (0124). Schuetze fails to clearly teach that user demographic data include income. However since income is an important element affecting user purchasing habit, it would have been obvious to one of skill in the art, at the time the invention was made, to further include income as an element of user demographic data.
- As for claim 13: The clusters are analyzed (0136-0141).
- As for claim 14: The clusters are analyzed to determine the value of the cluster entities (0132), the number of entities in the cluster of entities (0136), and the attributes of entities in the cluster of entities (0138, 0139).
- As for claim 15: The entities are customers (0124).
- As for claim 16: Alternative method of web-site design is reported (Schuetze's 0216).
- As for claim 24: Schuetze et al teach a computer implemented method and corresponding system for analyzing and presenting profile data, comprising the steps/means for:

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collecting profile data (0192, 0195);

analyzing the profile data (0193, 0196, 0209);

producing industry-specific quality metric from the profile data (0118, 0130, 0201/Xerox industry);

visualizing the profile data (abstract, 0030, 0034, 0040-0042, 0145, 0194), and

providing a menu with options for alternated method of analyzing and visualizing the profile data (0200). Schuetze et al fail to clearly teach visualizing the industry-specific quality metric. However in the same field of data analysis and clustering, Grinstein et al teach the visualizing the industry-specific quality metric (Grinstein's 0132; figs. 3, 18). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Grinstein's teaching of visualizing the industry-specific quality metric to Schuetze et al. Motivation of the combining is for verifying the computation.

- As for claim 25: The profile data is customer profile data (Schuetze's 0124).

6. Claims 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grinstein et al.

- As for claims 37, 38: Per Grinstein the display includes data representing bin value, threshold value, count value (0130-0132, 0138-0140, 0143, 0158-0172). Grinstein fails to clearly teach the displaying of lifts and supports. However Official notice is taken that it would have been obvious to one of skill in the art to implement the

displaying of lifts and support to Grinstein. Motivation of the implementation is for the obvious advantage of having representations of the data.

Response to Arguments

7. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent 6,839,682 (Blume et al), see the abstract.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
1/23/05

BA HUYNH
PRIMARY EXAMINER